



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

www.state.nj.us/health

JAMES E. MCGREEVEY
Governor

CLIFTON R. LACY, M.D.
Commissioner

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 1, 2002

Sidney E. Mitchell
President & CEO
University of Medicine and Dentistry of NJ –
University Hospital
150 Bergen Street-Room D217
Newark, NJ 07103

Re: Notice of Proposed Assessment of
Penalties for University Hospital

Dear Mr. Mitchell:

N.J.A.C. 8:31B-4.6(c) requires hospitals to submit current costs and financial data, including audited financial statements, to the Department of Health and Senior Services (Department). Under that regulation, the required data must be submitted by May 31st of the following year. For CY99, the Department extended the due date for University Hospital to February 5, 2001. Late submission of the required data results in a penalty of \$200 per working day past the appropriate submission date, under N.J.A.C. 8:31B-3.3(c).

N.J.A.C. 8:31B-3.3(c) was amended effective July 24, 2000, which stated that the required data must be submitted by June 30th of the following year. For CY2000, the Department due date is June 30, 2001. Late submission of the required data will result in a penalty for each working day past the appropriate submission date. However, the amended regulation assesses the late fee penalty on the Cost Reports and Financial Statements individually. A fine of \$100 per working day will be assessed by the Department for late submission of the Acute Care Hospital Cost Reports, under N.J.A.C. 8:31B-3.3(c). A separate fine of \$100 per working day will be assessed for late submission of the Acute Care Hospital audited Financial Statements.

The Department has a direct interest in timely receipt of hospital financial data, including audited financial statements. As recognized in New Jersey's certificate of need legislation, the Department plays a central role in monitoring the viability of health care services. Only with the most reliable financial information available, including audited financial statements, can the Department properly carry out its statutory oversight responsibilities.

Since the Department did not receive your hospital's 1999 cost reports until April 16, 2001, a penalty of \$9,400 is being imposed for the period from February 5, 2001 to April 16, 2001, or 47 working days past the submission deadline. Also, since the Department did not receive your hospital's FY2001 audited financial statement until January 14, 2002, a penalty of \$900 is being imposed for the period from December 31, 2001 to January 14, 2002 or 9 working days past the submission deadline. In addition, the Department has not received University Hospital's CY2000 Acute Care Hospital Cost Reports as of April 18, 2002. A penalty of \$7,300 is being imposed for the period from December 31, 2001 to April 18, 2002 or 50 working days past the submission deadline. Additional penalties will accrue until the Department receives your University Hospital's CY2000 Acute Care Hospital Cost Reports. Please send a check made payable to "Treasurer, State of New Jersey" in the amount of \$17,600 to:

New Jersey Department of Health
and Senior Services
Health Care Financing Systems
225 East State Street, 8th Floor East Wing
P.O. Box 360
Trenton, New Jersey 08625-0360
Attn.: John Hazel

Pursuant to N.J.S.A. 26:2H-9, you may contest this proposed penalty assessment by giving written notice to this Department of your desire for a hearing before the Office of Administrative Law. This penalty may be held in abeyance until such time as the hearing has been concluded and a final decision rendered. A request for such a hearing must be submitted to this office within 30 days after the date of this letter and should be forwarded to:

New Jersey Department of Health and Senior Services
Office of Legal and Regulatory Affairs
P.O. Box 360, Room 805
Trenton, New Jersey 08605-0360
Attn.: Mrs. Carole Slimm

Sidney E. Mitchell
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If you have any questions concerning this matter, please do not hesitate to contact Mr. John Hazel, HERS-I, Health Care Financing Systems, at (609) 292-8710.

FOR: Clifton R. Lacy, M.D.
Commissioner

BY: _____
Marilyn Dahl
Senior Assistant Commissioner

c: Jeanette Bergeron
John Hazel
Joseph Sokolowski